

FILED

MAY 9 1944

CHARLES ELMORE DROPLEY
CLERK

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1943

No. 982

CARLO KARLOFTIS, ET AL.,

Appellants.

vs.

JAMES S. HELTON, ET AL.

APPEAL FROM THE COURT OF APPEALS OF THE STATE OF KENTUCKY

STATEMENT AS TO JURISDICTION.

S. H. BROWN,
ARTHUR B. RHOREB,
W. L. HAMMOND,
CLEON K. CALVERT,
Counsel for Appellants.

THE JOURNAL OF THE

AMERICAN MEDICAL ASSOCIATION

1914

Published weekly, except on
Sundays and public holidays.
Subscription price, \$5.00 per
annum in advance.
Single copies, 15 cents.
Entered as second-class
matter, May 2, 1912.
Postage paid at Chicago, Ill.
Acceptance for mailing at
special rate of postage
provided for in Act of
October 3, 1917.
Copyright, 1914, by
American Medical Association
Printed at the
Chicago Press and
Publishing Co., Chicago, Ill.

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CARLO KARLOFTIS, ET AL.,

vs.

Appellants.

JAMES S. HELTON, ET AL.

Appellees.

IN THE COURT OF APPEALS OF KENTUCKY. APPEAL FROM THE
BELL CIRCUIT COURT. HONORABLE JAMES S. FORESTER, JUDGE.

BASIS OF JURISDICTION

The appellants conceive and state to the Court that the Supreme Court of the United States has jurisdiction to review and reverse the decision and judgment of the Court of Appeals of Kentucky, rendered March 14, 1944:

(1) Because each of the appellants is a legally qualified voter in Bell County, Kentucky, and as such is entitled to exercise the right of suffrage at any election held therein. (Ky. Const. sec. 145.)

(2) Because appellants and more than six hundred other legal voters in said county, on May 8, 1943, were involuntarily absent from said county in the armed service of the

United States and thereby had no right or power to exercise their right of suffrage in a local option election held in Bell County, Ky., on that date.

(3) Because their involuntary induction into the armed service of the United States, and their consequent involuntary absence from their voting places, abridged and denied them the exercise of a civil right vested in them by the Constitution of Kentucky (Ky. Const. sec. 145), and protected and guaranteed by the Constitution of the United States. (Const. U. S. Amendments 14 and 15.)

(4) Because a local option election such as was held in Bell County, Kentucky, May 8, 1943, is not an election which relates to the function and administration of government, and is not a fair election within the meaning of the Constitution of the United States or of Kentucky, where, as here, the government itself has, by induction into the armed service, deprived appellants and more than six hundred other legal voters of the right to register their sentiments in such an election. (*Hale v. Marshall*, 80 Ky. 552.)

April 8th, 1944.

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Attorneys for Appellants.

